

**March 22, 2004**

**City of Milton-Freewater  
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session on Monday, March 22, 2004 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Key, Councilors Lyon, Records, Woods, Kelley and Youth Representative Miller. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall and Police Chief Mike Gallaher. Citizens present were Debora Whitmore, Ed Chesnut, Rhonda Sartin and Greg Sterling. Councilors Saager and Humbert were both out of town.

Members of the press present were Roy Elia of the Blue Mountain Pioneer, Kathy Korengal of the Walla Walla Union Bulletin and Melanie Hall of the Valley Herald.

CONSENT CALENDAR ITEM: The consent calendar included minutes from the March 8, 2004 council meeting. Councilor Kelley moved to adopt the consent calendar. Councilor Records seconded the motion which passed unanimously.

**NEW BUSINESS**

**TABLED RESOLUTION NO. 1949 AUTHORIZING SIGNATURE TO ODOT  
AGREEMENT FOR CONSTRUCTION OF STOP LIGHT AT NE 5<sup>TH</sup> AVENUE.**

Assistant City Manager Linda Hall spoke on behalf of Public Works Superintendent stating that this discussion was tabled at the last council meeting to give affected merchants an opportunity to meet with ODOT to review possible options. Ms. Hall expressed her appreciation for the actions of both parties. Ms. Hall further said the merchants proposed that ODOT amend their agreement with the City to include a 35-calendar day window to complete the NE 5<sup>th</sup> Avenue construction so the street is closed no longer than this length of time, Saturdays and Sundays excluded. Doug Wright, ODOT, said this would be a workable compromise. Mr. Wright spoke with others at ODOT and a revised agreement is now before council. On page 3 of the revised agreement under City Obligations number 1, the phrase "and street name signs" was added, and number 2 must have been left over from something else as there is no fire station, so this has been deleted. Also, ODOT came back and stated they could accomplish this portion of the project in 30 days, thereby reducing the proposed deadline by 5 days.

Councilor Records moved to adopt Resolution No. 1949 Authorizing signature to ODOT Agreement for the construction of the stop light at NE 5<sup>th</sup> Avenue. Councilor Woods seconded the motion which passed unanimously.

APPOINTMENTS FOR BUDGET COMMITTEE, PLANNING COMMISSION, RECREATION COMMITTEE AND LIBRARY BOARD. Mayor Key appointed Ed Chesnut to the Planning Commission, Re-appointed Susan Dohrmann, George Gillette and Karen Bartlett to the Recreation Committee and appointed Frank Millar and Markie McRae to the Recreation Committee. To the Library Board, Mayor Key re-appointed Diane Biggs and to the Budget Committee, Mayor Key re-appointed Marge Roff and Suzanne Carlson with a new appointment of Myra Sherwin.

Councilor Kelley moved to approve the appointments as proposed. Councilor Lyon seconded the motion which passed unanimously.

ORDINANCE NO. 917 AMENDING TITLE 8 OF THE MUNICIPAL CODE REGARDING POLICE DEPARTMENT MATTERS, INCLUDING TOWING AND IMPOUND OF VEHICLES. Police Chief Mike Gallaher stated that in the ordinance book there are several ordinances in the police title that are outdated and no longer valid due to the evolution of Oregon State statutes with Oregon's legislature. The first is regarding assaulting a public safety officer. This is no longer an effective ordinance in our City code because within the last two years Oregon State has made this offense a felony. Chief Gallaher said he was asking for code 8-1-2-1.5 to be deleted as this can no longer be charged in municipal court. Chief Gallaher further asked for the following codes to be removed. Sections 8-1-4-3,4 &5 Bawdyhouses, Solicitation, and Living on Earnings of a Prostitute respectfully are all felonies now that are dealt with by Oregon State statutes and the City's police department is authorized to enforce these issues under Oregon State Statute. Chief Gallaher asked for the "Possession of Marijuana" to be amended to meet Oregon State statutes which requires a minimum fine of \$500 and a maximum fine of \$1,000 and Chief Gallaher asked that the wording be changed in City code to "not more than \$100" to "not less than \$500 and not more than \$1,000." The City would then be in compliance with Oregon State statutes. Riots are a felony charge and Chief Gallaher asked that this section be removed from the code. Chief Gallaher reminded council and citizens that the City cannot make a law with a less penalty than the State statute. "Deliveries to Prisoners" is also governed by Oregon State statute and is considered a Class C Felony. If the City police were to charge someone with an unlawful delivery of a substance to a prisoner, the police department would charge them through Circuit Court as a felony. The most urgent item Chief Gallaher requested is the amendment of City Ordinance 8-9-1(C) regarding when a vehicle may be towed. There is a provision under state code, but City police have been operating under City code and based on the language in this paragraph, the court has ruled that the person would have to be convicted of DUII before the City could tow their vehicle. Chief Gallaher recommended an amendment of paragraph (C) to read as follows: "A police officer arrests the operator of the vehicle based upon probable cause to believe that such a person was driving while under the influence of intoxicants, in violation of ORS 813.010." This would bring our City code in compliance with the language in the Oregon State statute. With the change in language of this code, when an individual contests the tow of their vehicle, the individual would then have to use some other reasoning other than the individual has not yet been convicted of DUII.

A discussion ensued.

Councilor Woods moved Ordinance No. 917, be introduced and full reading waived. Councilor Lyon seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Woods, yea, Councilor Records, yea, and Councilor Kelley yea, Councilor Miller, yea. Motion carried unanimously. The City Manager then read the ordinance by title. Councilor Kelley moved to adopt Ordinance No. 917, by title only and full reading waived. Councilor Lyon seconded and the motion carried unanimously. The City Manager read the ordinance by title. Councilor Woods moved to adopt Ordinance No. 917, Councilor Records seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Woods, yea, Councilor Records, yea and Councilor Kelley, yea.

### **MANAGER'S REPORT**

City Manager Delphine Palmer said she did not go to very many meetings unless she felt they were directly related to her job, but the one meeting she does attend, the Oregon/Washington City County Managers Conference is one meeting that is excellent and there were several subjects relating to our City. Ms. Palmer found that several cities, like our own City, are upset with state and federal governments regarding the withholding of funds. Some of the cities are in much worse financial standing than our City is, but found we are all struggling. There was a great deal of brainstorming to develop new ideas to help all of us bounce back financially and Ms. Palmer said she would be discussing these ideas with Assistant City Manager Linda Hall and council in the next few weeks. Ms. Palmer thanked council for allowing her to attend.

Ms. Palmer said she was hoping that she would have received a response to her letter that was sent to John Sykes regarding the Sykes closure, but has not received any letter, phone message, or email. Ms. Palmer said that after she had sent her letter, Senator Ron Wyden sent his letter to John Sykes supporting the requests Ms. Palmer made to give the building and acreage back to the City. Also, Dr. Travis Kirkland, from Blue Mountain Community College wrote a very nice letter of support and sent it to Oregon Governor Ted Kulongoski.

Ms. Palmer stated she had many calls and emails after returning from her seminar about Greg Stine and now there is a lot of enthusiasm. The predicament for now is the question, "Why frogs?" Ms. Palmer said she was researching several ideas such as frog statues. A lot of citizens are calling and coming in to tell about their ideas for home and business. It was very exciting to see the enthusiasm generated from the Stine meetings.

Ms. Palmer announced that Dr. Robert Fleming will be moving and his office may close. The Community Development Partnership organization is asking everyone to ask their doctors that may be in Walla Walla, WA or anywhere else, if they may be interested in working in Milton-Freewater. When Dr. Fleming moves, the City of Milton-Freewater will be the largest city in Oregon without a doctor, so this may become very serious. Dr. Fleming said the malpractice insurance is much too high in the State of Oregon.

## **COUNCIL ANNOUNCEMENTS**

Councilor Lyon had several calls and comments regarding the closing of the Veteran's Administration Hospital in Walla Walla, WA, the question being whether to keep the facility open or close it. City Manager Delphine Palmer stated that everything should be done to keep the facility open and suggested that perhaps a letter from the council would be beneficial. Councilor Kelley asked if Assistant City Manager Linda Hall could draft a letter for council to endorse. A brief discussion ensued over meetings being held. Councilor Lyon also mentioned that several citizens of Milton-Freewater work at the present facility. Councilor Lyon said that besides the further loss of employment, the simple fact is that we owe this service to our veterans.

Councilor Woods asked what role the City had with the Muddy Frogwater festival and stated the event should improve by 10% annually. He asked if the City's Recreation Committee could aid with the festival. City Manager Delphine Palmer said this was discussed at the CDP (Community Development Partnership) meeting and that several community service groups (Chamber of Commerce, CDP, Rotary) were working to develop a much larger and more intense community event. Ms. Palmer stated she would be attending the Chamber meeting this week and will be asking the Chamber to include community aid to expand the festival.

Councilors Kelley and Woods stated they were getting into the spirit of frogs by working on personal frog promotion ideas!

Councilor Miller asked if the frog brand was adopted for certain. Ms. Palmer clarified that the logo was adopted, but the brand was "Muddy Frogwater Country." Ms. Palmer further explained that Greg Stine suggested the City all have the same frog, but Ms. Palmer said she thought there were so many different whimsical frogs. Citizens have talked about using frogs outside their dental office, their physical therapy office and have told what they are ordering to have a direct impact on their specific business.

There being no further Council business, the meeting was adjourned at 7:48 p.m.

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Lewis S. Key, Mayor